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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,998	04/12/2004	Ian M. Chong	INTE-1-1002	4662

25315 7590 04/14/2006

BLACK LOWE & GRAHAM, PLLC  
701 FIFTH AVENUE  
SUITE 4800  
SEATTLE, WA 98104

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/822,998	CHONG ET AL.	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 12, 14, 16-27, 30, 31, 33 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 13, 15, 28, 29, 32 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is the second office action for application number 10/822,998, Apparatuses Systems, and Methods for Positioning a Powered Tool, filed on April 12, 2004.

### ***Election/Restrictions***

Claims 39-43 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "270" in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1, 2, 4, 13, and 32 are objected to because of the following informalities: in claim 1, line 8, "at least one of extend and contract" should be written in the alternative such as --at least one to extend or contract", also see claim 2; in claim 4, in line 4, "extend" should be --extended--; and in claims 13 and 32 the claims is being interpreted as the control device including at least one of a hand-operable device and at least one of a foot operable device, if this is not correct and the alternative should be consider, than the phrase should be changed to --at least one of a hand-operable device or a foot-operable device-- . Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11, 12, 16-26, 30, 31, and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,621,785 to Embra. Embra discloses an apparatus for supporting an object, the apparatus comprising: a support member (16, 56, 118), the support member having an adjustable length between a first end and a second end; a control device (20 and 100) operably coupled with the support member, the control device being configured to receive a supply of a motivating force (the rotation of screw 21 and knob 100) and a user input (hand twisting motion of screw and knob), the control

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device being further configured to direct at least a portion of the motivating force to the support member to direct the support member to at least one of extend and contract as indicated by the user input received; a bracket (24) disposed at the first end of the support member, the bracket being configured for receiving the object and including a tiltable coupling (@26) joining the bracket to the support member; a base end disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the support member includes an extensible cylinder (16), the extensible cylinder including a shaft (56) and a housing (118), the shaft being slidable within an inner channel of the housing; wherein the support member includes a pressure cylinder and the motivating force includes a pressure source; wherein the control device is configured to direct a pressure from the pressure source into the pressure cylinder causing the shaft to extend from the housing; wherein the control device is configured to direct a pressure from the pressure source into the pressure cylinder causing the shaft to retract into the housing; wherein the control device is configured to release pressure from the pressure cylinder allowing the shaft to retract into the housing; wherein the pressure cylinder includes a pneumatic cylinder and the pressure source includes a pressurized gas source; wherein the control device includes a multiple-position control including an extended position, a contracted position, and a neutral position; wherein the tiltable coupling includes at least one of rotatable joint and a swiveling joint; wherein the base end is configured to be tiltable relative to a surface receiving the base end; and a base plate (92) configured to tiltably receive the base end with a ball joint.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Embra in view of U.S. Patent 5,083,147 to Nakatani. Embra further discloses a knob (26) extending from the tiltable bracket. Embra discloses the claimed invention except for the limitation of a support handle extending from the tiltable bracket. Nakatani teaches that it is known to have a tiltable bracket (10) attachable to a support member and wherein a handle (72) extends from the bracket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to either include the tiltable bracket taught by Nakatani or the handle as taught by Nakatani for the purpose of providing an alternative better gripping means for manipulating the adjustment of the bracket in relation to the support member.

Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Embra in view of U.S. Patent 4,245,826 to Wirges. Embra discloses the claimed invention except for the limitation of an hydraulic cylinder using a pressurized liquid source, Wirges teaches an adjustable length support member including an hydraulic cylinder and the pressure source including a pressurized liquid source. It would have been obvious to one having ordinary skill in the art at the time the invention was made

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to have modified the cylinder in Embra to have been an liquid pressurized hydraulic cylinder for the purpose of providing and alternative, mechanically equivalent means for adjusting the height of the support member.

***Allowable Subject Matter***

Claims 9, 10, 13, 15, 28, 29, 32, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,231,631 to Maina

U.S. Patent 2,377,949 to McMenamy

U.S. Patent 2,599,269 to Markle

U.S. Patent 3,406,517 to De Gaston

U.S. Patent 3,417,953 to Hillquist et al.

U.S. Patent 3,591,156 to England

U.S. Patent 4,156,391 to Ubezio

U.S. Patent 4,234,149 to Kawazoe

U.S. Patent 5,038,819 to Sutphen

U.S. Patent 6,316,708 to Kuppers

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U.S. Patent 6,609,686 to Malizia


U.S. Patent 6,698,738 to Wiebe

U.S. Patent 6,820,842 to Chuang

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Wood can be reached on (571) 272-6826. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

April 11, 2006